

REMARKS

Reconsideration of this application is respectfully requested in view of the foregoing amendments and discussion presented herein

1. Telephone Interview.

The Applicant thanks the Examiner for the telephone interview conducted on August 25, 2003 during which the outstanding rejections were discussed. At that time, amendment of Claims 48-53 was discussed to overcome the §112, second paragraph rejection, with regard to the circumferential compression and radially positioning of the segments.

2. Amendment of the Specification.

The Applicant has amended the specification to update the priority claims herein.

3. Rejection of Claims 48-53.

Claims 48-53 were rejected under 35 U.S.C. §112, second paragraph, based on certain terminology being considered indefinite by the Examiner.

(a) Claims 48, 51 and 53. During the telephone interview, amendment of the claims was discussed to recite that a majority of the segments have faces which are compressed circumferentially and which are positioned radially outward in the firelog. In response, Claims 48, 51 and 53 have been amended to recite that

a majority of said segments have faces that are compressed circumferentially in relation to a central longitudinal axis of the firelog; and

a majority of the segments have faces that are positioned radially outward in relation to the central longitudinal axis of the firelog;

in order to further define the subject matter of those claims. These amendments are consistent with the telephone interview, and is believed to overcome the rejection under §112, second paragraph. No new matter has been added, and support for the amendments can be found in the specification and drawings as follows:

(i) FIG. 7 shows the segments 48b radially spun to the outside of the firelog so that their faces are oriented radially outward from the center of the log. As can be seen, a majority of the segments would be oriented in that configuration. See also FIG. 20 which shows the faces of segments 48b oriented radially outward.

(ii) Page 12, lines 3-7 state:

"Because cardboard segments 48b are compressed circumferentially around firelog 90, they open or expand with heat when burned, and the corrugations channel oxygen throughout segments 48a of firelog 90. Cardboard segments 48b are more tightly twisted in the center of firelog 90, increasing its burn time."

(iii) Page 22, lines 3-6 state:

"The centrifugal force urges segments radially outward to the periphery of firelog 90 so as to lay segments 48b "flat" along the outer surface of firelog 90, as shown in FIG. 7, and thus, better resembling genuine wood bark (FIG. 20) as firelog 90 is burned."

(b) Claims 50, 51 and 53. Claims 50, 51 and 53 were considered by the Examiner to be indefinite due to reciting the "generally interlocking configuration" of the segments. In response, the Applicant has amended Claims 50, 51 and 53 to recite that the segments are adhered in an overlapping configuration. The overlap can be seen in FIG. 7 and FIG. 20. Additional support for the segments being adhered together in an overlapping (e.g., interlocking) configuration can be found at page 21, lines 6-9 which state:

"This heating propagates uniformly and adheres segments 48b together in a generally interlocking planar fashion. This interlocking planar adhesion of segments 48b gives finished firelog 90 additional cohesive strength with no cold joints."

(c) Claims 49 and 52. Lastly, Claims 49 and 52 were rejected because they depend from rejected base claims 48 and 51, respectively. Therefore, the rejection of those claims has been overcome as a result of overcoming the rejection of Claims 48 and 51.

In view of the foregoing, the Applicant respectfully requests that the rejection of Claims 48-53 under 35 U.S.C. §112, second paragraph, be withdrawn.

In addition, as stated in Applicant's prior response, the Applicant has reviewed the cited references and carefully considered the prior grounds for rejection. In order to

expedite prosecution, the Applicant has amended those claims to clearly distinguish the claims from the cited references. Such amendment is made without prejudice to later prosecution of the original claims and without disclaimer of the subject matter thereof.

Each of the pending claims, as amended, recites a method for manufacturing an artificial firelog by forming and compressing a plurality of waxed cardboard segments wherein:

a majority of the segments have faces that are compressed circumferentially in relation to a central longitudinal axis of the firelog; and

a majority of said segments have faces that are positioned radially outward in relation to the central longitudinal axis of the firelog.

None of the references cited by the Examiner, or the other references of record, singly or in combination, teach, suggest or provide motivation or incentive for an artificial firelog material having such a configuration. In addition, an artificial firelog having this configuration is substantial departure from conventional artificial firelogs.

Conventional artificial firelogs use segments of cardboard, paper or other combustible materials that are compressed or extruded. In a conventional compressed or extruded firelog, the segments are packed longitudinally. While longitudinal packing may yield a physically stable firelog, it does not yield a firelog with as efficient burn characteristics as in the present invention.

In the Applicant's invention, the segments are compressed circumferentially and are radially spun so that their surfaces face radially outward. As a result, there are in effect multiple layers of segments that fall away from the firelog when they burn. As the segments are heated, they expand and combustion air enters through the edges into the corrugations to promote combustion. The result is increased efficiency and effectiveness as a firelog material. None of the references of record, singly or in combination, teach, suggest or provide motivation or incentive for a firelog having such a configuration as recited in the Applicant's amended claims.

Nor do the references of record teach, suggest or provide motivation or incentive for the elements of the Applicant's claims discussed above in combination with any of

the following other elements recited in various of the amended claims:

(a) the segments are adhered together in an overlapping configuration (Claims 50, 51 and 53); or

(b) the segments open or expand with heat when burned and the corrugations in the segments channel oxygen throughout the segments when the segments open or expand with heat and burn (Claims 49, 52 and 53).

These additional elements found in certain of the amended claims further define characteristics of the method of manufacturing a firelog that, in combination, clearly distinguish it over conventional methods.

4. Conclusion.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

Date: 8/26/2003

Respectfully submitted,


John P. O'Banion, Reg. No. 33,201
O'BANION & RITCHEY LLP
400 Capitol Mall, Suite 1550
Sacramento, CA 95814
(916) 498-1010

FAX RECEIVED
AUG 27 2003
11:17 AM

CERTIFICATE OF FACSIMILE TRANSMISSION (37 CFR 1.8)

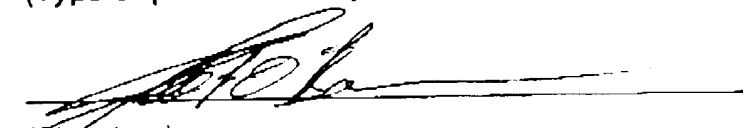
I hereby certify that the foregoing

1. Request for Continued Examination (RCE) Transmittal (1 page)
2. Amendment (8 pages)

are being facsimile transmitted to the United States Patent and Trademark Office (Fax No. 703-872-9311) on 26 August 2003.

JOHN P. O'BANION

(Type or print name of person signing certificate)


(Signature)

FAX RECEIVED
AUG 26 2003 4:04 PM